

Message Text

PAGE 01 STATE 115141 TOSEC 040344
ORIGIN NODS-00

INFO OCT-01 ISO-00 /001 R

66011
DRAFTED BY S/S-O:AWOTTO
APPROVED BY S/S-O:AWOTTO
-----190742Z 079928 /13

O 190700Z MAY 77 ZFF4
FM SECSTATE WASHDC
TO USDEL SECRETARY IMMEDIATE
WHITE HOUSE IMMEDIATE

S E C R E T STATE 115141 TOSEC 040344

NODIS
WHITE HOUSE FOR BRZEZINSKI ONLY

FOL RPT STATE 115141 ACTION PARIS DTD 19 MAY.

QUOTE

S E C R E T STATE 115141

NODIS

E.O. 11652: XGDS-3

TAGS: PFOR, US, VN

SUBJECT: US-SRV RELATIONS: RELEASE OF NIXON CORRESPOND-
DENCE

1. AT 1100 EDT MAY 19 DEPARTMENT WILL RELEASE TEXT OF THE
FEBRUARY 1, 1973 MESSAGE FROM PRESIDENT NIXON TO DRV PRE-
MIER PHAM VAN DONG. AT THE SAME TIME, CONGRESSMAN LESTER
WOLFF, CHAIRMAN OF HIRC SUBCOMMITTEE ON EAST ASIA AND
SECRET

PAGE 02 STATE 115141 TOSEC 040344

PACIFIC, PLANS TO RELEASE A LETTER HE RECENTLY RECEIVED FROM
FORMER PRESIDENT NIXON DEALING WITH THIS SUBJECT. THE
TEXT OF THE LETTER TO WOLFF IS AS FOLLOWS:

BEGIN TEXT: DEAR CONGRESSMAN WOLFF:

AS I AM SURE YOU ARE AWARE, YOUR REQUEST OF FEBRUARY 22ND
PRESENTS SOME FUNDAMENTAL AND SERIOUS CONSTITUTIONAL
QUESTIONS.

IN 1953 A COMMITTEE OF THE HOUSE OF REPRESENTATIVES SOUGHT TO SUBPOENA FORMER PRESIDENT TRUMAN TO INQUIRE ABOUT MATTERS OF WHICH HE HAD PERSONAL KNOWLEDGE WHILE HE SERVED AS PRESIDENT. PRESIDENT TRUMAN'S RESPONSE STATES WHAT I BELIEVE IS THE CORRECT CONSTITUTIONAL GUIDELINE WHICH A FORMER PRESIDENT MUST FOLLOW. HE SAID:

"...IN SPITE OF MY PERSONAL WILLINGNESS TO COOPERATE WITH YOUR COMMITTEE, I FEEL CONSTRAINED BY MY DUTY TO THE PEOPLE OF THE UNITED STATES TO DECLINE TO COMPLY WITH THE SUBPOENA.

"IN DOING SO, I AM CARRYING OUT THE PROVISIONS OF THE CONSTITUTION OF THE UNITED STATES; AND AM FOLLOWING A LONG LINE OF PRECEDENTS, COMMENCING WITH GEORGE WASHINGTON HIMSELF IN 1796. SINCE HIS DAY, PRESIDENTS JEFFERSON, MONROE, JACKSON, TYLER, POLK, FILLMORE, BUCHANAN, ROOSEVELT, COOLIDGE, HOOVER AND FRANKLIN D. ROOSEVELT HAVE DECLINED TO RESPOND TO SUBPOENAS OR DEMANDS FOR INFORMATION OF VARIOUS KINDS BY CONGRESS

"IT MUST BE OBVIOUS TO YOU THAT IF THE DOCTRINE OF SEPARATION OF POWERS AND THE INDEPENDENCE OF THE PRESIDENCY IS TO HAVE ANY VALIDITY AT ALL, IT MUST BE EQUALLY APPLICABLE TO A PRESIDENT AFTER HIS TERM OF OFFICE HAS EXPIRED WHEN HE IS SOUGHT TO BE EXAMINED WITH RESPECT TO ANY ACTS OCCURRING WHILE HE IS PRESIDENT.

SECRET

PAGE 03 STATE 115141 TOSEC 040344

"THE DOCTRINE WOULD BE SHATTERED, AND THE PRESIDENT, CONTRARY TO OUR FUNDAMENTAL THEORY OF CONSTITUTIONAL GOVERNMENT, WOULD BECOME A MERE ARM OF THE LEGISLATIVE BRANCH OF THE GOVERNMENT IF HE WOULD FEEL DURING HIS TERM OF OFFICE THAT HIS EVERY ACT MIGHT BE SUBJECT TO OFFICIAL INQUIRY AND POSSIBLE DISTORTION FOR POLITICAL PURPOSES"

I, TOO, SHALL ADHERE TO THIS PRECEDENT. HOWEVER, BECAUSE THE ISSUE OF AID TO THE HANOI GOVERNMENT IS CURRENTLY UNDER CONSIDERATION IN THE CONGRESS, AND WITHOUT WAIVING THE SEPARATION OF POWERS PRINCIPLES, I WANT TO BE AS HELPFUL AS I CAN IN PROVIDING VOLUNTARILY MY RECOLLECTION OF EVENTS SURROUNDING THE AID NEGOTIATION.

IN A REPORT TO THE NATION ON JANUARY 25, 1972, I MADE THE FOLLOWING STATEMENT:

"...WE REMAIN PREPARED TO UNDERTAKE A MAJOR RECONSTRUCTION PROGRAM THROUGHOUT INDOCHINA, INCLUDING NORTH VIETNAM, TO HELP ALL THESE PEOPLES RECOVER FROM THE RAVAGING OF A GENERATION OF WAR."

THE PEACE AGREEMENT OF JANUARY 23, 1973 CONTAINS THIS

CLAUSE:

"THE UNITED STATES ANTICIPATES THAT THIS AGREEMENT WILL USHER IN AN ERA OF RECONCILIATION WITH THE DEMOCRATIC REPUBLIC OF VIETNAM AS WITH ALL THE PEOPLES OF INDOCHINA.

"IN PURSUANCE OF ITS TRADITIONAL POLICY, THE UNITED STATES WILL CONTRIBUTE TO HEALING THE WOUNDS OF WAR AND TO POST-WAR RECONSTRUCTION OF THE DEMOCRATIC REPUBLIC OF VIETNAM AND THROUGHOUT INDOCHINA."

SECRET

PAGE 04 STATE 115141 TOSEC 040344

ON JANUARY 23 AND JANUARY 24, 1973, DR. KISSINGER, SECRETARY ROGERS AND I BRIEFED BIPARTISAN LEADERS OF THE CONGRESS ON THE PEACE ACCORDS. THE SUBJECT OF AID TO HANOI WAS DISCUSSED AT SOME LENGTH AND THERE WAS, AS I RECALL, VIRTUALLY UNANIMOUS SUPPORT FOR THE PROPOSALS, PROVIDED IT WOULD SERVE THE PURPOSE OF HELPING TO ASSURE ADHERENCE TO THE PEACE AGREEMENT.

IN A NEWS CONFERENCE ON JANUARY 31, 1973, AND IN MEETINGS WITH INDIVIDUAL MEMBERS OF CONGRESS AND OTHER GROUPS, I STRONGLY AND PUBLICLY ENDORSED THE HANOI AID PROPOSAL AS "A POTENTIAL INVESTMENT IN PEACE." I ALSO INDICATED THAT THERE WOULD HAVE TO BE CONGRESSIONAL CONSULTATION AND CONGRESSIONAL SUPPORT.

IT IS MY UNDERSTANDING THAT YOU HAVE A COPY OF THE MESSAGE I SENT TO PHAM VAN DONG ON FEBRUARY 1, 1973.

THAT MESSAGE EXPLICITLY STATED THAT ANY AID HAD TO BE IMPLEMENTED IN ACCORDANCE WITH EACH COUNTRY'S "CONSTITUTIONAL PROVISIONS," WHICH, IN THE UNITED STATES, MEANS APPROVAL BY THE CONGRESS. MOREOVER, BECAUSE THE OFFER OF RECONSTRUCTION WAS PROVIDED FOR IN THE JANUARY 27, 1973 PEACE AGREEMENT, ITS FULFILLMENT OBVIOUSLY DEPENDED ON ADHERENCE TO THE AGREEMENT'S PROVISIONS.

THE NORTH VIETNAMESE PROCEEDED TO BREAK THE AGREEMENT ALMOST IMMEDIATELY AFTER IT WAS SIGNED. I RECALL THAT ON MAY 17, 1973, I SENT A MESSAGE TO DR. KISSINGER, WHO WAS IN PARIS AT THE TIME, WHICH IN ESSENCE SAID: HIT THEM HARD ON MIA ACCOUNTING AND ON WITHDRAWAL FROM CAMBODIA AS CONDITIONS FOR AID.

THROUGHOUT THE PERIOD WHEN THE PEACE AGREEMENT WAS BEING NEGOTIATED AND THEREAFTER THE HANOI GOVERNMENT WAS UNDER NO ILLUSIONS WHATEVER THAT ANY AID PROGRAM WOULD REQUIRE
SECRET

PAGE 05 STATE 115141 TOSEC 040344

APPROVAL BY THE CONGRESS AND WAS CONDITIONAL ON THEIR ADHERENCE TO THE PEACE AGREEMENT.

THE AID PROPOSAL WAS NOT AT ANY TIME PRESENTED TO THEM AS A PART OF THE "PRICE" TO OBTAIN THE PEACE AGREEMENT. DR. KISSINGER AND I CONSISTENTLY AND REPEATEDLY REJECTED THE IDEA THAT AID WAS TO BE PROVIDED AS "REPARATIONS". THROUGHOUT WE INDICATED THAT, JUST AS WE HELPED OUR

ENEMIES IN WORLD WAR II -- GERMANY AND JAPAN -- REBUILD THEIR ECONOMIES, WE WOULD APPLY THE SAME PRINCIPLE TO HANOI.

THE HANOI GOVERNMENT HAS VIOLATED THE AGREEMENT IN AREAS TOO NUMEROUS TO MENTION. THEY REFUSED TO WITHDRAW THEIR FORCES FROM CAMBODIA AND LAOS, AS REQUIRED BY THE PEACE AGREEMENT. BY FAR THEIR MOST BLATANT VIOLATION OF THE AGREEMENT WAS THEIR CROSSING THE DMZ AND MASSIVELY INVADING SOUTH VIETNAM IN EARLY 1975.

THERE IS NO COMMITMENT OF ANY KIND, MORAL OR LEGAL, TO PROVIDE AID TO THE HANOI GOVERNMENT. ON THE CONTRARY, I CAN THINK OF NO ACTION WHICH WOULD BE LESS JUSTIFIED OR MORE IMMORAL THAN TO PROVIDE ANY AID WHATEVER TO THE HANOI GOVERNMENT, IN VIEW OF THEIR FLAGRANT VIOLATIONS OF THE PEACE ACCORD. SINCERELY, RICHARD NIXON. END TEXT.

2. WITHOUT SHOWING ABOVE TEXT TO VIETNAMESE, PRATT SHOULD INFORM THEM OF THIS RELEASE. HE SHOULD NOTE THAT IT COMES AS THE RESULT OF WOLFF'S INITIATIVE, NOT THE ADMINISTRATION'S, AND THAT THERE IS NO INTENTION ON ANYONE'S PART TO INTERJECT THIS MATTER INTO THE CURRENT NEGOTIATIONS.

3. IF THE VIETNAMESE EXPRESS CONCERN AT THIS RELEASE, PRATT SHOULD EMPHASIZE THAT ADMINISTRATION HAS NOT ENCOURAGED IT, BUT THAT INITIATIVE OF THIS SORT BY CONGRESS
SECRET

PAGE 06 STATE 115141 TOSEC 040344

WAS BOUND TO COME IN LIGHT OF HANOI'S ORIGINAL PUBLIC MENTION OF NIXON LETTER AND CONTINUING PUBLIC REFERRAL TO IT.

4. PRATT SHOULD PUT ALL THIS WITHIN CONTEXT OF "KEEPING VIETNAMESE INFORMED." NOTHING HAS CHANGED, BUT WE DO NOT WISH PUBLICITY SURROUNDING THIS LETTER TO GENERATE NEGATIVE ACTIONS OR STATEMENTS WHICH WOULD REDUCE CHANCES OF PROGRESS IN OUR TALKS. PRATT SHOULD ALSO EMPHASIZE THAT THE NIXON LETTER TO WOLFF IS A PERSONAL LETTER FROM THE FORMER PRESIDENT ONLY.

5. WE WILL FORWARD TEXTS OF BOTH WOLFF'S AND DEPARTMENT

SPOKESMAN'S REMARKS ON THIS AS SOON AS AVAILABLE.
CHRISTOPHER

UNQUOTE CHRISTOPHER

SECRET

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: Z
Capture Date: 22-Sep-1999 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRESIDENT, CONSTITUTIONAL LAW, ECONOMIC ASSISTANCE, PEACE, AGREEMENTS, PRESS RELEASES, US CONGRESSIONAL HEARINGS, US CONGRESSIONAL PRESENTATIONS, T OSEC 40344, CAT-A, ECONOMIC RECONSTRUCTION
Control Number: n/a
Copy: SINGLE
Sent Date: 19-May-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE115141
Document Source: ADS
Document Unique ID: 00
Drafter: S/S-O:AWOTTO
Enclosure: n/a
Executive Order: 11652 XGDS-3
Errors: n/a
Expiration:
Film Number: P840076-0878
Format: TEL
From: STATE
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197705110/baaaevze.tel
Line Count: 224
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Message ID: d36be888-c288-dd11-92da-001cc4696bcc
Office: ORIGIN NODS
Original Classification: SECRET
Original Handling Restrictions: NODIS ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators:
Previous Classification: SECRET
Previous Handling Restrictions: NODIS ONLY
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05-Apr-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2346065
Secure: LOCK1
Status: NATIVE
Subject: US-SRV RELATIONS: RELEASE OF NIXON CORRESPOND-
TAGS: PFOR, EAID, US, VN, (NIXON, RICHARD M), (WOLFF, LESTER)
To: SECRETARY WHITE HOUSE
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/d36be888-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009